

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ALLEN PAYNE	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 21 CV 513
	)	
COSTCO WAREHOUSE	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

To: The United States District Court for the Northern District of Illinois, Eastern Division

Plaintiff: Allen Payne  
647 Garfield Street, #1  
Oak Park, Illinois 60304  
[allenopayne@aol.com](mailto:allenopayne@aol.com)

Pursuant to 28 U.S.C. §1441 and 1446, Defendant, COSTCO WHOLESALE CORPORATION, incorrectly sued as COSTCO WAREHOUSE, (“Costco”), through its attorneys, Stacy D. Fulco and Margaret L. MacNair of Bodell Bove LLC, hereby file this Notice of Removal of the above-captioned matter from the Circuit Court of Cook County, Illinois, County Department, Law Division to the United States District Court for the Northern District of Illinois, Eastern Division. In support of this Notice, Defendant respectfully states as follows:

1. On January 11, 2021, Plaintiff, Allen Payne, initiated the above-captioned action by filing a Complaint at Law for a monetary judgment in the Circuit Court of Cook County, Illinois, County Department, Law Division against Defendant. (Complaint, Ex. “A”).

2. On January 13, 2021, Defendant was served at the Costco warehouse located at 2500 Harlem Avenue, North Riverside, Illinois.

3. Removal, based on diversity of citizenship, is proper where all of the parties properly joined and served as defendants are diverse and the amount in controversy has been met.

4. The United States District Court for Northern District of Illinois, Eastern Division has jurisdiction over this action pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332 for the following reasons:

a. Based on the letter Plaintiff wrote to Defendant on January 21, 2019, he lives in Oak Park, Illinois (1/21/19 Letter, Ex. “B”) and further the address the Plaintiff included on the Complaint also indicates he lives in Oak Park, Illinois (Complaint).

b. Defendant is a corporation duly organized and existing under the laws of Washington, with its principal place of business in the State of Washington, at 999 Lake Dr. Issaquah, Washington, 98027. (Illinois Secretary of State – Business Services, Ex. “C”). For this reason, for the purpose of assessing diversity of citizenship, Defendant is a citizen of Washington.

c. According to Plaintiff’s Complaint, Plaintiff seeks to recover for intentional touching which occurred while Plaintiff was a customer at the Costco warehouse, in the amount of \$10,000,000 (Ten Million Dollars). Therefore, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

5. For the reasons set forth above, this lawsuit is removable from state court to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §1441 (a) and 28 U.S.C. §1332 (a)(2), (c)(1). Based on Defendant’s investigation, complete diversity of citizenship exists among Plaintiff and Defendant and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

6. 28 U.S.C. §1446 imposes a 30-day limitation upon a defendant to timely file a Notice of Removal. Defendant's Notice of Removal is timely because it was filed within thirty days after the receipt by Defendant, through service, of the initial pleading setting forth the removable claims for relief. *See* 28 U.S.C. §1446(b).

7. Written notice of the filing of this Notice of Removal has been served on Plaintiff as required by 28 U.S.C. §1446(d).

8. A true copy of this Notice of Removal has been filed with the Circuit Court of Cook County, Illinois, County Department, Law Division as provided by 28 U.S.C. §1446(d).

9. By filing this Notice of Removal, Defendant does not waive any jurisdictional objections or any other defenses that are available.

WHEREFORE, Defendant, COSTCO WHOLESALE CORPORATION, respectfully requests that this civil action be removed from the Circuit Court of Cook County, Illinois, County Department, Law Division, and that this Court accept jurisdiction over this action, and proceed this Court as an action properly removed.

Respectfully submitted,

COSTCO WHOLESALE CORPORATION

By: /s/ Stacy D. Fulco  
One of Its Attorneys

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